

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare Department - Andhra Pradesh Scheduled Area Land Transfer Regulation 1959 - Khammam District - Revision Petition filed by Sri Tummala Yugandhar, S/o.Late Koteswara Rao R/o.Asannagudem (V), Dhammapeta (M), Khammam District against the orders of the Additional Agent to Government in C.M.A No.65/2007 dated 28.6.2008- Rejected - Orders - Issued.

SOCIAL WELFARE (LTR.2) DEPARTMENT

G.O.MS.No: 15

Dated:30.01.2014

Read the following:-

1. From Sri Tummala Yugandhar, S/o.Late Koteswara Rao R/o.Asannagudem (V), Dhammapeta (M), Khammam District dt.05.10.2008.
2. Govt.Memo.No.9838/LTR-2/2008, dt.12.01.2009.
3. From the Additional Agent to Government, Bhadrachalam, Khammam District R.P.No.9838/LTR-2/08, dt.16.02.2009.
4. Govt.Lr.No.9486/LTR-2/2008,dt.18.04.2012,19.10.2012, 02.09.2013.

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ORDER:-

In the reference first read above, Sri Tummala Yugandhar, S/o.Late Koteswara Rao R/o.Asannagudem (V), Dhammapeta (M), Khammam District has filed Revision Petition against the orders of the Additional Agent to Government, Bhadrachalam, Khammam in C.M.A No.65/2007 dated 28.06.2008, wherein the Additional Agent to Government has set aside the orders of the Special Deputy Collector (Tribal Welfare), Bhadrachalam in LTR Case No.362/2005/DPT dt,19,10,2005, in respect of land Acres.5.00 guntas in Sy.No.1302 of Nagupalli Village, Dhammapeta Mandal, Khammam District.

2. The following are the principal contents urged in the Revision Petition:-

- (i) The impugned order under Revision passed by the Additional Agent to Government without considering the fact of death of the Tummala Subbaiah and that appeal was filed on 21.01.06 without any cogent reason for registering the CMA in the year 2007 is not justifiable.
- (ii) Additional Agent to Government has no jurisdiction or authority to adjudicate any thing in respect of the possession of the petitioners who are claiming possession by way of succession and in pursuant to sale transaction dt.22.01.1962 long prior to the commencement of the Regulation and the possession of the property is since long prior to Regulation and the transaction was duly admitted by the ancestral.
- (iii) In view of the regularizing the sale transaction by the Competent Authorities under ROR Act, the claim of the 4th Respondent (Potta Yariyappa) (Tribal) is purely civil nature.
- (iv) The Additional Agent to Government not at all exercised its power as an appellate authority and passed the orders under revision and even added the paternal uncle of the petitioner herein as L.R. of deceased. Additional Agent to Government without perusing the village records stands in the name of the father of the petitioner herein. Therefore the order under revision is no executable against the petitioner being the present owner.

(P.T.O)

3. The Project Officer, ITDA, Bhadrachalam, Khammam District who was consulted in the matter vide reference 2nd read above has sent parawise remarks and connected case records on the Revision Petition in the reference 3rd read above. The parawise remarks are as follows:-

- (i) Sri Karam Krishnaiah as 4th respondent filed the C.M.A on 21.01.06. Sri Thummala Bhaskara Rao, filed a Memo before the Additional Agent to Government stated that Tummala Subbaiah died in the month of June 2006 that means by the time of filing of appeal the said Subbaiah is alive and order was passed as Subbaiah died showing his son Bhaskar Rao as L.R. Therefore the Additional Agent to Government not passed any order on dead person.
- (ii) The Revision Petitioner without filing any documents before the Additional Agent to Government claiming the property under the alleged sale deed dt.22.01.62. As per the pahanies filed by the 4th Respondent Sri Karam Krishnaiah before the Additional Agent to Government from one Toti Pullappa was shown as pattadar from years 1961-62, 1962-63, 1965-66, 1967-68, 1970-71, 1971-72 to 1974-75. Only in the year 1965-66 the name of Tummala Subbaiah and Toti Pullappa shown as enjoyer in Col.No.6. It is clear that he is not the pattader and land belongs to Tribal family who is Karam Krishnaiah (4th Respondent). The Revision Petitioner has not filed any pahani copies by the time of alleged sale or clear the regulation to show that he is pattadar of the land.
- (iii) The Revision Authorities while issuing pattadar pass books must verify whether the sale transaction has taken prior to the regulation, then only the pattadar pass book/ 13-B certificates should be issued. But in this case the authorities have not observed the rules and regulations and issued pass book without observing the Regulation as the schedule land is situated in the scheduled area.
- (iv) The Revision Petitioner has not filed any document to prove his title. Hence the decisions of the Hon'ble High court furnished by the Revision Petitioner not applicable to this case.

4. The Revision Petition has been called for hearing on 30.04.2012, 10.07.2012, 29.10.2012 and finally heard on 12.09.2013. Both the parties were present and filed written arguments.

5. Consequent on hearing the case and on perusal of the records it is observed that the Revision Petitioner, Thummala Yugendar without filing any documents before the Additional Agent to Government claimed the property under the alleged sale deed dt.22.01.62. As per the pahanies filed by the 4th respondent Sri Karam Krishnaiah before the from one Toti Pullappa was shown as pattadar from years 1961-62, 1962-63, 1965-66, 1967-68, 1970-71, 1971-72 to 1974-75. Only in the year 1965-66 the name of Tummala Subbaiah and Toti Pullappa shown as enjoyer in Col.No.6. Hence it is clearly shows that schedule land originally belong to Toti Pullappa (died) who had only daughter Smt Karam Veera Venkamma who was also died. Her son Karam Krishnaiah has filed appeal as grand son of Toti Pullappa. The appellant has also filed sworn declaration by giving the details of relationship between himself and his grandfather Toti Pullappa who is the pattadar of suit land. It is clear that the petitioner is not the pattadar and land belongs to Tribal family who is Karam Krishnaiah (4th respondent). The Revision Petitioner has not filed any pahani copies by the time of alleged sale or clear to the regulation to show that he is pattadar of the land.

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6. In view of the above, Government after careful examination has felt that the transfer of the suit land took place in contravention of the LTR 1/59 read with 1/70 and that the Additional Agent to Government, Bhadrachalam, Khammam District has rightly adjudged the CMA No.65/2007 filed by the Tribal Petitioner Sri Karam Krishnaiah in respect of the suit land and the Revision Petitioner in the R.P. (Non-Tribe) has not adduced any fresh grounds in support of his claim.

7. Therefore Government hereby order to uphold the orders of the Additional Agent to Government, Khammam District in CMA No.65/2007, dated.28.06.2008. The stay granted is hereby vacated.

8. The Additional Agent to Government, Khammam District is requested to take necessary action in the matter accordingly and acknowledge the receipt of the case records which are returned herewith.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. A.VIDYA SAGAR,
PRINCIPAL SECRETARY TO GOVERNMENT (TW)

To:

The Additional Agent to Government & Project Officer, ITDA Bhadrachalam, Khammam with RPAD of the following records.

(Case File C.M.A.No.65/2007.)

Sri Tummala Yugandhar, S/o.Late Koteswara Rao R/o.Asannagudem (V), Dhammapeta (M), Khammam District.

Copy to:

Sri Karam Krishnaiah S/o.Narsimhulu R/o.Thottipampu (V), Dhammapeta, Mandal, Khammam District.

The P.S to M (TW) for information/

The P.S to Principal Secretary to Government (TW)

SF/SC.

// FORWARDED:: BY ORDER //

SECTION OFFICER